

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MINERVA MARTINEZ,

Plaintiff(s),

vs.

LUNAN WEST, INC., et al.,

Defendant(s).

Case No. 2:12-cv-01898-GMN-NJK

**ORDER DENYING PROPOSED  
DISCOVERY PLAN (Docket No. 19)**

Pending before the Court is the Proposed Discovery Plan and Scheduling Order, filed on March 21, 2013, Docket No. 19, which is hereby **DENIED**. As an initial matter, the Court notes that the filing of the discovery plan is untimely. The parties indicate that they conducted the Fed. R. Civ. P. 26(f) conference on January 24, 2013. Docket No. 19 at 2. The discovery plan was required to be filed 14 days thereafter, or February 7, 2013. *See* Local Rule 26-4(d).

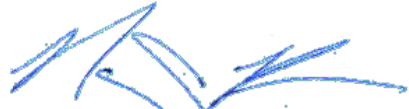
The presumptively reasonable discovery period in this case is 180 days from the date the answer was filed, or July 3, 2013. *See* Local Rule 26-1(e)(1). The parties seek extended discovery on the basis that they “agreed to wait until the conclusion of the ENE before engaging in any discovery other than Rule 26 Initial Disclosures.” Docket No. 19 at 2. Early Neutral Evaluation (“ENE”) sessions are governed by Local Rule 16-6, which does not provide for automatic stays of discovery or other related deadlines pending the ENE session. *See* Local Rule 16-6. Nor are the parties entitled to change deadlines themselves without court approval. *See, e.g.*, Local Rule 7-1(b) (“No stipulations relating to proceedings before the Court . . . shall be effective until approved by the Court.”). While the parties could have sought leave of the Court to stay discovery pending the ENE session, they did not do so.

//

1 As the only reason provided for an extended discovery period is plainly insufficient, the  
2 Court hereby **DENIES** the proposed discovery plan. No later than March 27, 2013, the parties shall  
3 file a revised discovery plan with either (1) discovery deadlines calculated according to the Local  
4 Rules based on a July 3, 2013 discovery cutoff or (2) a more sufficient showing as to why an  
5 extended discovery period should be approved.

6 IT IS SO ORDERED.

7 DATED: March 22, 2013

8   
9 \_\_\_\_\_  
10 NANCY J. KOPPE  
11 United States Magistrate Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28